The A. F. of L. Weekly News Service gives a brief summary of important matters affecting labor, occurring in the industrial, legislative and judicial fields, and such other information that will benefit the trade union movement.

AMERICAN FEDERATION OF LABOR

WEEKLY NEWS SERVICE

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It is infamy to die and not be missed.—Carlos Wilcox.

BASIC PRINCIPLE SHOULD GUIDE TRADE UNIONISTS

Organized workers can easily rout Communists if they hold to principle and not be trapped by "red" generalities.

Trade unionism and Communism are as opposite as the poles. The claim that the two movements have the same purpose, "but differ as to methods" is the statement of a trickster or an ignoramus.

Organized workers are not interested in the next century. They would improve the world in their time and depend upon future generations to do likewise.

That is why they struggle for higher wages, shorter hours, sanitary shops, compensation for injury, death and occupational diseases, more and freer education, oppose child labor, demand protection of life and limb and support every other social advance.

The simon-pure Communist secretly sneers at these activities. He publicly professes faith in them, but this is lip service. It is a "progressive" pose until he dare reveal his purpose.

The objective of the simon-pure Communist is revolution—not only industrial but an upheaval of morals, ethics and every other relation between men.

The Communist has a revolutionary ideology. He insists that present-day ethics and morality are "bushwah" inventions intended to hold the workers in subjection.

The simon-pure Communist covers his tracks; he plays on the emotion and sentiment of unthinking workers who are fed diluted revolution under the guise of "liberalism."

As these borers-from-within establish themselves in the unions they gradually throw off their pretense.

The intelligentsia and liberal fringe outside the trade union movement that always flirt with anything labeled "progressive" is an aid to the Communist.

The revolutionary Communist despises this element as wholeheartedly as he does trade unionists whom he fools, but all of these are fish for the "red" net—until he gains a foothold.

Organized workers should not be swayed by sentimental pleas of Communists. Pin them down to their primary principle that society must be overturned and that workers must be imbued with the drill-sergeant ideal.

Let organized workers show that Communists—the group that pull the wires behind the scenes—are not interested in the evolutionary, day-by-day gains that characterize the trade union movement; that their boring-from-within is to have the unions serve as a kindergarten to drill workers who will obey proletarian dictators when the revolution is ordered.

If trade unionists hold to principle they will discover that many self-styled "Communists" have not the slightest notion of the "red" objective and that they have been swept into the Communist group by emotional appeals.

Trade union philosophy is the one effective answer to Communism.

Organized workers should attack their foes along this line, instead of acting on the defensive or being sidetracked by past masters in word wizardy and emotion.

JOB SEEKING BREEDS UNREST UNIONIST TELLS CHURCHMEN

Washington, Oct. 27.—Unemployment breeds an unrest that menaces national security, said William Green, president A. F. of L., in an address to churchmen in this city. The meeting was held under the auspices of the Department of Christian Social Service of the Episcopal Church.

Machine displacement and the care of aged and disabled workers were also listed as pressing problems by the trade union executive.

"Our nation is changing from agriculture to a great industrial empire," said Mr. Green. "Our inventive genius has developed industrial processes to a high point of efficiency. The evolution of industry has produced great changes in our economic and social life.

"Human relations in industry has been affected by these developments. Specialized service has been substituted for individual skill and the relationship between human factors in industry has been practically revolutionized. The great labor turn-over, so characteristic of our mass production industries, means that thousands of workers serve temporarily and pass on to other cities while new workmen, recruited from remote sections, take their places.

"Within this great industrial army the individual worker is lost. His influence and importance is not great enough to attract the attention of either management or ownership.

"Realizing this hampering of their rightful opportunities the workers have set up an instrumentality through which they can give expression to their hopes and through which they protect their interests. This organization, created by the workers and by them named the American Federation of Labor, speaks not only for approximately 5,000,000 wage workers directly associated with it, but also speaks indirectly for additional millions more whose voice is inarticulate and whose personal, industrial identity is lost."

WILL SOCIAL PLEDGES FOOL MEXICAN LABOR?

San Antonio, Texas, Oct. 27.—Has Portes Gil, provisional president of Mexico, issued a far-reaching social program to detract attention from the ousting of every labor member of the Mexican Chamber of Deputies by the administration members of that body?

One-third of the 12 ousted laborites were elected without opposition, and the Chamber's action has created widespread resentment throughout that country.

Three days after the expulsion President Gil proclaimed his radical social reforms, but he ignored the Chamber's defiance of law.

He declared for an eight-hour day, for women's insurance and against child labor under 16 and against night work by women. He also proposed a profit-sharing plan, the workers' portion to be fixed by commissions. Rents will be limited to not more than one-half of one per cent of the assessed value of the property.

The proposals form a beautiful picture of future social conditions in Mexico, but it is a question if the ousted laborites will cause workers to forget how the Chamber of Deputies ignored the constitution and expelled their lawfully-elected representatives.

Editors Objecting To Injunction When Used Against Newspaper

Washington, Oct. 27.—A Minnesota law which permits an injunction judge to padlock newspapers may reach the United States Supreme Court.

The act was passed two years ago and empowers an equity judge to suppress any newspaper which "regularly publishes malicious, scandalous and defamatory matter."

The law was not invoked until the Saturday Press of Minneapolis accused certain public officials with corruption and with being in league with gamblers.

One of the officials secured an injunction under the law that suppressed the objectionable newspaper.

St. Louis, Mo., Oct. 27.—Newspaper editors who object to an injunction against a Minneapolis newspaper were recently reminded by the Post-Dispatch of this city that they are reaping what they have sown.

"We would like to remind the complaining editors of their own responsibility for this state of affairs," said the Post-Dispatch. "The abuse of the injunction has grown up under their eyes and they have done little to prevent it.

"How many of them lifted their editorial voices in protest when the injunction was being shamelessly abused against such helpless people as the textile workers of Massachusetts, the coal miners of Pennsylvania and the railway employes of the entire country? Very few, indeed. Most of them either were silent or actually applauded these decisions.

"They are guilty on another count. During the war they did nothing to oppose the suppression of little papers which dared to oppose the war.

"As a result of their prejudice, cowardice or near-sightedness they are now confronted by the same weapon whetted by themselves. In less than 10 years of hysteria they all abandoned a liberty which had been achieved after more than a century of fighting. They well know what historians already know—that liberty is difficult to win and easy to lose. They may as well prepare themselves for a long, hard fight. The case of the Minneapolis Saturday Press is significant."

WORDS EXPRESS IDEAS

Words can emphasize an idea or they can have a contrary effect. Organized labor stands for collective bargaining and the union shop, but these ideals are confused by the term "open shop."

Clever opponents talk of the "closed shop," as they well know the public connects this term with monopoly and restriction.

Whenever a trade unionist uses the term "closed shop" he aids in the development of an anti-trade union public opinion.

Any shop where collective bargaining is denied is anti-union.

Organized workers should not use the phraseology of opponents. We should not talk of "labor opposing capital." The workers do not oppose steel mills, blast furnaces and railroads, but they occasionally do oppose capitalists—the owners of these inanimate things.

Correct thinking is impossible unless correct words are used in the expressing of ideas.

LEGALIZING THE INJUNCTION

The suppression of a Minneapolis newspaper by the injunction process is criticised by editors, but they make no objection to the Minnesota legislature that gave this power to courts.

Under that statute, passed two years ago, injunction judges can padlock a newspaper on the ground that it is "malicious, scandalous and defamatory." Public officials who were charged with being in league with gamblers had the newspaper suppressed under this act.

The Minnesota law is along the same lines as the Sherman federal anti-trust law, approved July 2, 1890. That act declares illegal "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several states, or with foreign nations."

Section 4 empowers equity courts to "prevent and restraint violations of this act."

Associate Justices Brandeis and Holmes of the United States Supreme Court had Section 4 in mind when they dissented from the majority decision in the Bedford cut stone case that union stone cutters restrain trade or commerce among the several states when they refuse to handle non-union stone. The two jurists declared:

"If, on the undisputed facts of this case, refusal to work can be enjoined, Congress enacted by the Sherman law and the Clayton act as instrument for imposing restraints upon labor which reminds of involuntary servitude."

The Federal Congress also legalized the injunction to punish crime when it empowered equity courts to enforce the Volstead prohibition act.

"REDS" ARE WEASELS; POLICY IS WORLD WIDE

Washington, Oct. 27.—"European Communists use the same weasel tactics as in America to worm their way into the trade unions," said C. Woudenberg, secretary of the International Union of Woodworkers, Amsterdam, Holland, on his visit to A. F. of L. headquarters.

Mr. Woudenberg was accompanied by Jay Schuil, interpreter and assistant secretary of the Federation. They attended the Brotherhood of Carpenters' convention at Lakeland, Florida, and traveled as far west as Chicago investigating industrial and social conditions.

"The Communists," said Mr. Woudenberg, "assume the same progressive pose in our countries as I find they do here. They are anything and everything to establish themselves as representatives of the workers. Their tactics are identical on both sides of the Atlantic and this is proof that their uniform policy is directed from one central point."

The visitors said European capitalists are adopting the stabilizing and mass production methods of American employers. This system is called "rationalization" in Europe. German employers are in the forefront of this movement.

Workers in those countries agree with American workers that the new features of production can only be met by organization, said Mr. Woudenberg.

MACHINERY MAY OUST SMALL WHEAT GROWER

Columbus, Ohio, Oct. 27.—Larger sized farms, "which may not be the best thing for country life," was predicted by Renick W. Dunlap, assistant secretary of agriculture, in a speech before the Ohio State Real Estate convention.

Mr. Dunlap intimated that farm machinery, that can only operate on large holdings, will affect the small farmers. The speaker pointed out that the man hours of labor required to harvest an acre of wheat in the Middle West have been reduced from three and one-half hours to 45 minutes.

"The farmer on the larger farms of tomorrow will be a business manager in the strictest sense of the word," said Mr. Dunlap.

UTILITY PROBE BLOCKED; COURTS MAY BE INVOKED

Washington, Oct. 27.—The Federal Trade Commission's probe of public utilities seems to have struck a snag and the commission's power may be challenged.

The Electric Bond & Share Company of New York refused to answer questions submitted by the commission and will not divulge how funds were used.

The company protests that it has done nothing illegal, but declines to turn over its books on the ground that its stockholders should be protected.

The Electric Bond & Share Company is a holding concern for large public utilities in Pan-America. It is hooked up with the General Electric Company.

SOVIET RUSSIA OPPOSED

New York, Oct. 27.—A declaration against recognition of Russia, adopted by the National Civic Federation, is made public by Matthew Woll, acting president of the Federation. That organization appointed a committee last month to investigate subversive activities of the Soviet in this country.

HIGH FEDERAL WAGES UNTRUE, STUDY SHOWS

Washington, Oct. 27.—Salaries for federal employes in the civil service are too low, according to a partial examination of Civil Service Commission records.

This examination does not support the claim that Federal pay is paying high wages. Qualifications for government positions are so high, it is stated, that only the most skilled employe from private concerns is able to qualify. In a large number of cases, the examination records show, those who have successfully qualified for government positions are earning more money outside.

Statistics from all over the country are being assembled and may give Congress a better viewpoint on salary schedules amended by the Welch act, passed by the last Congress.

Organized Federal employes are confident that the study will sweep away the last support from those who ignore low wage standards in the government service.

CITY'S "OLD-AGE" RULE PROTESTED BY WORKERS

Portland, Ore., Oct. 27.—Organized electrical workers protest saying that city's rule that no electrical worker over 35 years of age shall be employed by the city is a false one.

The electrical workers insist that efficiency is only possible through experience, and that men over 35 years are in their prime. The protestors are joined by the entire trade union movement who show that the city would legalize a practice that is being criticised in private employment.

The rule is another illustration of how the present-day "efficiency" craze is encouraged by so-called experts.

MINERS' NEW CONTRACT HELD TO BE IMPORTANT

Washington, Oct. 27.—An agreement between the Rocky Mountain Fuel Company and Colorado members of the United Mine Workers is a "unique and of possible far-reaching effect in the coal industry," according to the United States Bureau of Labor Statistics.

The agreement provides for wages on the basis of an established differential and guarantees a day's rate. A detailed plan for the adjustment of grievances; bathhouse facilities at the mines and a department of medicine, health and sanitation. These are described as new developments in the coal mining industry.

The agreement is considered so important that it is printed in full in the Monthly Review, published by the bureau.

CITY WAGES INCREASED

Los Angeles, Oct. 27.—Negotiations between trade unionists and city officials resulted in wage increases for mechanical trades employed in the city department of water and power. The 44-hour week is established with overtime for Saturday afternoon.

LONG HOURS CAUSE STRIKE

Chicago, Oct. 27.—Operating engineers employed by the Olson Rug Company suspended work against the 12-hour week-day and for $46. Organized stationary firemen struck in sympathy.

WINDOW WASHERS GAIN

Newark, N. J., Oct. 27.—More than 100 window washers won their strike for better work conditions. The settlement includes a 44-hour week with a $45 wage rate.

DYERS RAISE WAGES

East St. Louis, Ill., Oct. 27.—Organized cleaners, dyers and pressers in this city, Belleville and Granite City raised wages 10 per cent.

MILL TOWN KIDDIES NOT PROPERLY FED

Washington, October 27.—Pellagra among South Carolina mill towns is more general "than the experience of physicians of the locality would seem to indicate," says the United States Public Health Service in an abstract of an official report on this disease.

The report states that fluctuations of the disease are bound up with fluctuations in economic conditions. The medical report repeatedly point to the relation of pellagra to the economic status of those afflicted.

It is stated that this disease is from two to six times greater than physicians in these localities report.

Poor food is the direct cause of pellagra, and the boundaries of the disease are clearly marked. Children betwen the ages of from 2 to 15 years are especial victims.

The report is a vindication of organized labor's position on the effect of low wages, which is the rule in these southern mill towns.

INVENTOR'S CLAIM UPHELD BY COURT

Washington, Oct. 27.—The United States Supreme Court refused to review a decision by the Circuit Court of Appeals, Ninth District, which will permit George C. Carson to collect $20,000,000 from copper companies who stole a process that is now universally used.

The 60-year-old chemist was without funds. Rudolph Spreckels, San Francisco banker, formed the Carson Investment Company to finance the litigation. More than $300,000 was spent by the company. Carson lost the first contest in the federal district court of Montana, but won in the Circuit Court. It was this decision that the Supreme Court refused to reverse. The defendants were the Anaconda Copper Company, but damages will also be collected from other concerns that use the process.

RADIO TRUST HOLDS AMUSEMENT FIELD

New York, Oct. 27.—Official announcement of the formation of the Radio - Keith - Orpheum Corporation marks the entrance of the Radio Corporation of America as the giant of the amusement industry. The combine starts with the purchase of the Keith-Albee and the Orpheum circuits.

The Radio Corporation is allied with the General Electric Company and the Westinghouse Electric and Manufacturing Company. Talking motion pictures will be the primary basis of the new development. These will be broadcast by radio. Television entertainment is the ultimate objective.

ANDREW FISHER DEAD

Washington, Oct. 27.—London cables announce the death of Andrew Fisher, former Labor Premier of Australia. He has lived in London for some time. He was born in Scotland amid pauper surroundings and emigrated to Australia, when blacklisted in his home town. He was Labor Premier in 1908 and in 1910. He was not an orator and had little of what is known as personal magnetism. His success was ascribed to his honesty and loyalty to the cause of labor.

ORGANIZED ACTORS PRACTICE SELF-HELP

New York, Oct. 27.—The Actors' Equity Association, affiliated to the A. F. of L., has shown what workers can accomplish through organization.

The Association is 100 per cent union and includes the leading actors and actresses on the spoken stage. They have been victimized by employment agencies, and instead of depending upon law they declare that no member shall accept employment through one of these agencies unless issued by Equity.

The actors announce that if this method is not successful they will establish their own employment agencies.

Many of the private agencies accepted Equity's new rule but a majority opposes and have enjoined the actors from putting their plan into effect. They claim their "business" is ruined.

LOAN SHARKS GOUGE

Little Rock, Ark., Oct. 27.—The State Federation of Labor will ask the next legislature to check the operation of loan sharks. Interest charges range as high as 500 per cent.

The legislature passed an anti-loan shark bill last year, but this was vetoed by Governor Martineau on the ground that it legalized interest rates in excess of the figure fixed by the State constitution.

FOOD COSTS INCREASE

Washington, Oct. 27.—Retail food prices in the United States were 2 1-3 per cent higher on September 15 than on the corresponding date in August, reports the Federal Bureau of Labor Statistics.

Retail food prices increased by nearly 2½ per cent since September 15, 1927.

CHINESE WANT RIGHT TO CONTROL COURTS

Washington, Oct. 27.—The Chinese Nationalist government calls on the world powers to end the extra-territorial privileges they have set up in China.

The western nations claim they can not secure justice from Chinese courts and are compelled to maintain their own judicial systems. They also set up their own tariff systems.

This denial of sovereignty is a major cause of irritation among the Chinese.

The foreign powers contend, with supporting evidence, that their citizens are not receive justice at the hands of native Chinese courts whose ideas of procedure and jurisprudence are at variance with Occidental laws and ideas.

The nationalist Chinese reply that when the "foreign devils" come into their country they know the procedure of Chinese courts, and that if they are dissatisfied with this procedure they should keep out. These Chinese point out that the foreigners would not permit another nation to challenge their sovereignty of their country by ignoring established courts and setting up new judicial systems and enforcing their own tariff laws.

MEDIC UNION SUGGESTED

New York, Oct. 27.—Unionization of doctors to meet present economic distress of private practitioners was suggested at a meeting of the Physicians' Progressive League.

Pay clinics, where medical attention "at cut-rate prices" may be had, and foundation-supported dispensaries, where "rich and poor alike" are treated free, were condemned as "unfair competition, inexcusable in business and damnable in medicine."

These phases of an alleged commercialization and paternalism of the practice of medicine were deplored as "forcing doctors practicing privately in financial straits. This, it was said, resulted in unethical tendencies within the profession.

FALSE ECONOMY

Washington, Oct. 27.—Small-sized paper money will not be ready for distribution before July 1 of next year, however, that the process for printing the new money can be duplicated by any commercial printer and losses through counterfeiting can not be estimated.

COAL MERGER FAILS; SO DOES LOW WAGES

Indianapolis, Oct. 27.—The much-talked-of consolidation of anti-union coal companies in West Virginia has collapsed and the United Mine Workers' Journal says this failure is proof that these low-wage concerns are not making money, although they have a free hand "to run their own business without union dictation."

The interested coal companies have an annual output of 30,000,000 tons. It was proposed that each company turn in its property to a new corporation, receiving stock as payment.

The plan failed when some of the companies demanded cash instead of stock. Many of these concerns are headed for bankruptcy, although they have driven wages of their non-union employes to the lowest level. Injunctions and gun men check organization of these workers.

The companies found that this system does not bring profit and they engaged in a scramble for business with competitors.

"These companies that demanded cash for their properties merely tried to play safe," says the United Mine Workers' Journal. "There was no assurance that consolidation would aid them. Consolidation are all right when properly handled. It would be a fine thing if all coal companies in the United States were consolidated under legal regulation, into a few gigantic combinations, provided the combinations sought to stabilize the industry, which they could do. Many southern West Virginia coal companies have been on the ragged edge, financially, for so long that nothing looks so good to them as hard cash."

FAULTY CONSTRUCTION IN FEDERAL BUILDING

Des Moines, Iowa, Oct. 27.—Faulty construction of the new federal building in this city has been exposed by organized labor and the Treasury Department ousted the inspecting engineer.

More than 7 per cent of rivets in the concrete were of portable beams and girders were found to be loose. Other beams are covered by concrete. The floors will be tested by loading them with weight double the amount they are expected to carry. The contractor will be compelled to pay the expense of this test.

The contractor, A. C. Stamford of Alabama, agreed to operate under union conditions, but broke his promise.

WOMEN ARE AFFECTED BY PRESENT-DAY LIFE

Washington, Oct. 27.—Our fast social and industrial life threatens the health of women, according to the United States Public Health Service.

Young women, especially, are urged to apply the brakes to their activities or face physical and nervous breakdown.

"The thrills and excitements of fast night life, wild parties, allurements of business activity, the drive for success in school life and many other abnormalities keep the body and mind functioning out of normality," said an official of the Public Health Service. "But they are temporary and unless the essential rudiments of good health are observed the human machine can't stand the wear and tear."

HESKETH IS SELECTED

Seattle, Oct 27.—Robert R. Hesketh of this city, first vice president of the Hotel and Restaurant Employes' International Alliance and Bartenders' International League for 20 years, has been selected by the executive council of that organization. He succeeds the late Jere L. Sullivan.

Mr. Hesketh is well known along the Pacific Coast through his activity in trade unionism. He has served as city councilman for 15 years.

EDMUND J. REID DEAD

Newark, N. J., Oct. 27.—Edmund J. Reid, vice president International Metal Polishers' Union, died in this city following an operation. He was 55 years of age and leaves a wife and five children. He was an active trade unionist and also served as an officer of the New Jersey Federation of Labor.

MACHINE BRINGS NEW ISSUES IN ORGANIZING WAGE LABOR

Washington, Oct. 27.—Monotonous machine operation makes it impossible to interest these workers in trade unionism, says the Bulletin of the National Catholic Welfare Conference.

"The great growth of jobs at which a person can learn a thing over and over again is generally held to make organization the more difficult," the Bulletin states. "The pride in the work of the man with a trade, lacking the pride in a trade well learned and well practiced, wielding a jobs that can be learned and unlearned quickly, paid higher wages than ever before, seeking pleasure in an existence from the monotony of work, and living in a society that is always changing, the repetitive workers in the factories furnish the organizers of labor the greatest difficulties. And the difficulties are all the greater because of the steady encroachment of the machine upon those already organized around their skill.

"Those organized encounter the lethargy and the snobbishness of employers and managers in the effort to introduce union-management co-operation, and they find lethargy and timidity in their own ranks before something new."

The Bulletin states that workers also encounter opposition from without and timidity from within in their efforts against the labor injunction.

"To obtain relief from injunctions the workers must be educated to politics and they must draw to themselves large bodies of outside public opinion so as to influence law-making bodies to pass the laws and executives to lead campaigns in behalf of satisfactory injunction relief or at least not to veto the laws when passed. But in political campaigns unending troubles arise to delay progress.

"These handicaps from within and without are recognized and some workers have lost heart, the Bulletin states.

"But both among the older and the younger leadership there are an incalculable number who are thinking more clearly than ever before and who are determined to meet the needs of the working people."

SAFETY AGENCIES MUST WORK TOGETHER

San Francisco, Oct. 27.—"Every accident-prevention agency in this state must work in harmony to reduce accidents and fatalities," said Will J. French, director of the California Department of Industrial Relations, in a speech in this city.

"When the official record shows more than 250,000 accidents and a year in California and an average of two deaths a day, there is need for co-ralling all these agencies," said Mr. French.

ANOTHER MINE CONTRACT

Terre Haute, Ind., Oct. 27.—Indiana coal owners and mine workers reached a wage agreement after long negotiations. Many mines have been idle since March 31, 1927, when the Jackonville agreement expired.

RENEW AGREEMENT

Yonkers, N. Y., Oct. 27.—Organized meat cutters of Westchester County renewed their wage agreement with retail meat dealers.

WILL PEOPLE AWAKEN TO INJUNCTION RULE?

Los Angeles,—Oct. 27.—"How do you like government by injunction?" the people of this city are asked by Harvey E. Garman, editor of the Los Angeles Citizen, published by the local labor movement.

The labor editor submits his query because the United States Supreme Court refused to interfere with an injunction by three federal judges which permits the yellow cars of this city to raise fares from 5 to 7 cents.

"This judge-made law has been brought home to Los Angeles," said Editor Garman. "Organized labor is usually only affected by this process and little compassion is felt by those who are not affected.

"It is wonderful the unanimity with which newspapers here that are always 'doing something for the plain people' have fought shy of commenting on this new system of government. There have been no two or three-column articles in black type under large headlines. But there have been pictures of pretty girls showing the 'token,' the 'rebate' check slips and all that nonsense.

"Another notable fact is that none of the great men of the city who usually rush into print and on the radio to spout their wisdom and breath vent have let out a peep about the raise or how it was secured."

LABOR MUST BE PAID WHEN COMPANY MOVES

Washington, Oct. 27.—"The right of employes to protection against the arbitrary removal by the employer of his place of business has been recognized by legislatures and courts," says the Monthly Bulletin, issued by the United States Bureau of Labor Statistics.

In taking over a certain area to provide a watershed for additional water supply, a Massachusetts law assures compensation to employes in that district if they suffer unemployment or loss of wages due to this action by the State.

A Montana statute requires railroad companies to reimburse employes for property losses sustained by the removal of terminals and division points.

The Oklahoma Corporation Commission prevented a railroad from moving a certain division point and this has been upheld by the United States Supreme Court.